

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 07-CR-47-GKF
)
DESMOND DION TURNER,)
)
Defendant.)

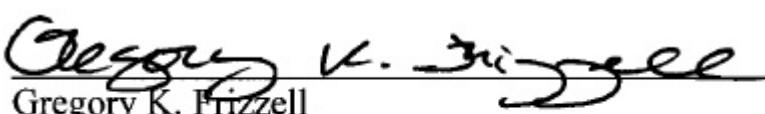
OPINION AND ORDER

Before the court is Defendant Desmond Dion Turner’s (“Turner”) Motion to Appoint Counsel (Dkt. #80).

There is no constitutional right to assistance of counsel in pursuing a motion for reduction of sentence under the “Crack Cocaine Amendment,” 18 U.S.C. § 3582(c)(2). *U.S. v. Olden*, 296 F. App’x 671, 674 (10th Cir. 2008) (unpublished). The appointment of counsel in § 3582 cases is left to the discretion of the district court. *Id.* (citing *Engberg v. Wyoming*, 265 F.3d 1109, 1121-22 (10th Cir.2001)). The court has considered the recommendation of the United States Probation Office for the Northern District of Oklahoma that Turner’s application for a sentence reduction is not complicated and should involve a simple administrative recalculation of his guideline range. The court does not find that Turner requires the appointment of counsel in this matter, so the motion is denied without prejudice.

WHEREFORE, Turner’s Motion to Appoint Counsel (Dkt. #80) is denied without prejudice.

IT IS SO ORDERED this 4th day of January, 2010.


Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma